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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/631,962 | 08/01/2003 | Paul Delmerico | 086554-0912 | 2525 |
| 22428 | 7590 | 04/06/2005 | EXAMINER | |
| FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007 | | | AVERY, BRIDGET D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3618 | |

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------------|-----------------|--|
| Application No. | Applicant(s) | |
| 10/631,962 | DELMERICO, PAUL | |
| Examiner | Art Unit | |
| Bridget Avery | 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2004.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-17 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 4/27/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. The Information Disclosure Statement filed by applicant on April 27, 2004 is acknowledged and has been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hwang (US Patent 5,941,824).

Hwang teaches a cart for an electronic device, the cart including: a platform/board (30) configured to support an electronic device; and a cord-retaining portion (clearly shown on the right side of platform 30) configured and capable of retaining a power cord of the electronic device, wherein the cord-retaining portion includes a first opening that extends in a first direction substantially toward a mid-portion of the cart and a second opening that extends away from the first opening in a second direction that is different from the first direction. The first opening is a first slot having a length and a width, and the length of the first slot is approximately the same as the width of the first slot. The second opening is a second slot having a length and a width, and the length of the second slot is greater than the width of the second slot. The second direction is substantially perpendicular to the first direction. The cart includes a third opening that extends away from the first opening in a third direction that is different from the first direction. The third direction is substantially opposite to the second direction. A third direction is substantially perpendicular to the first direction. The first opening has a width and a distance from a side of the second opening to a side of the third opening is greater than the width of the first opening. The distance is at least two times greater than the width of the first opening. The cord-retaining portion is an

integral part of the platform. The first opening has a width and a distance from a side of the second opening to a side of the third opening is greater than the width of the first opening. The distance is at least two times greater than the width of the first opening. A support (10) at least partially supports the platform (30). The cart includes rolling members (clearly shown in Figures 1 and 2) that at least partially moveably support the platform (30).

4. Claims 1-12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Breveglieri et al. (US Patent 4,743,040).

Hwang teaches a cart capable of transporting an electronic device, the cart including: a platform (16) configured to support an electronic device; and a cord-retaining portion (130) configured and capable of retaining a power cord of the electronic device, wherein the cord-retaining portion (130) includes a first opening that extends in a first direction substantially toward a mid-portion of the cart and a second opening that extends away from the first opening in a second direction that is different from the first direction. The first opening is a first slot having a length and a width, and the length of the first slot is approximately the same as the width of the first slot. The second opening is a second slot having a length and a width, and the length of the second slot is greater than the width of the second slot. The second direction is substantially perpendicular to the first direction. The cart includes a third opening that extends away from the first opening in a third direction that is different from the first direction. The third direction is substantially opposite to the second direction. A third

direction is substantially perpendicular to the first direction. The first opening has a width and a distance from a side of the second opening to a side of the third opening is greater than the width of the first opening. The distance is at least two times greater than the width of the first opening. The cord-retaining portion is an integral part of the platform. The first opening has a width and a distance from a side of the second opening to a side of the third opening is greater than the width of the first opening. The distance is at least two times greater than the width of the first opening. A support (32) at least partially supports the platform (16). The cart includes rolling members (122, 126) that at least partially moveably support the platform (16). The cart includes a tray slidably mounted to extend from the platform (16). See the abstract. The cart further including a cord-wrapping portion (92) disposed adjacent the first opening. See Figure 1.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US Patent 6,669,639).

Miller et al. teaches a cart (10) for an electronic device, the cart including: a platform (18) configured to support an electronic device; and a cord-retaining portion (clearly shown in the right side of platform 18 in Figure 1) configured and capable of retaining a power cord of the electronic device, wherein the cord-retaining portion includes a first opening that extends in a first direction substantially toward a mid-portion of the cart and a second opening that extends away from the first opening in a second direction that is different from the first direction. The first opening is a first slot having a

length and a width, and the length of the first slot is approximately the same as the width of the first slot. The second opening is a second slot having a length and a width, and the length of the second slot is greater than the width of the second slot. The second direction is substantially perpendicular to the first direction. The cart includes a third opening that extends away from the first opening in a third direction that is different from the first direction. The third direction is substantially opposite to the second direction. A third direction is substantially perpendicular to the first direction. The first opening has a width and a distance from a side of the second opening to a side of the third opening is greater than the width of the first opening. The distance is at least two times greater than the width of the first opening. The cord-retaining portion is an integral part of the platform. The first opening has a width and a distance from a side of the second opening to a side of the third opening is greater than the width of the first opening. The distance is at least two times greater than the width of the first opening. A support (12) at least partially supports the platform (18). The cart includes rolling members (14) that at least partially moveably support the platform (18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breveglieri et al. ('040) in view of Wise (US Patent 5,642,898).

Breveglieri et al. teaches the features described above. Breveglieri et al. further teaches a cord-wrapping portion (92).

Breveglieri et al. lacks the teaching of a power strip and a power cord.

Wise teaches a power strip (36) and a power cord (34).

Based on the teachings of Wise, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the cart of Breveglieri et al. to include a power strip and power cord to save time and increase efficiency by reducing the amount of time and effort spent trying to find a power outlet.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breveglieri et al. ('040) in view of Mayo (US Patent 3,874,531).

Breveglieri et al. teaches the features described above.

Breveglieri et al. lacks the teaching of strap.

Mayo teaches a restraint strap (134).

Based on the teachings of Mayo, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the cart of Breveglieri et al. to include a strap to secure the electronic device for transport to prevent the electronic device from falling therefrom.

Conclusion

Art Unit: 3618

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al. shows a mobile pediatrics cart.

Ellefson shows a mobile tool chest with horizontal pivotal trays.

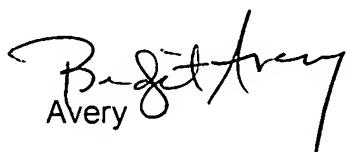
Elmer shows a manually propelled automotive painting tool cart.

Hansberry, Jr. shows a combined article mover and worker support.

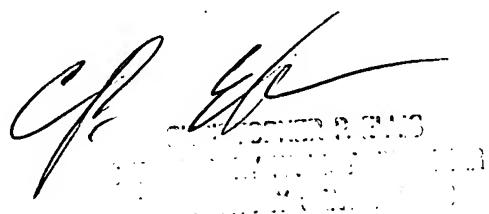
Hines shows a tool caddy.

Wilkinson shows a mobile tool supporting apparatus.

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.



April 4, 2005


G.L. Eberle
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